

In re Patent Application of

FLICK

Serial No. **10/649,267**

Filed: **AUGUST 27, 2003**

REMARKS

Applicant thanks the Examiner for the careful and thorough examination of the present application, and for indicating that dependent Claims 7, 14, 23, and 38 recite patentable subject matter.

Applicant has amended independent Claims 1, 17, 26, and 32 to incorporate the subject matter of now canceled dependent Claims 2-3, 18-19, 28-29, and 33-34, respectively. Applicant has also amended dependent Claims 5-6, 9, 21-22, 27, 31, 36-37, and 40 for consistency. Applicant has also canceled Claims 10-16 and 41.

Applicant submits that all claims are patentable and presents arguments and amendments herein supporting such patentability.

I. The Claimed Invention

Amended independent Claim 1, for example, is directed to a pre-warn vehicle security device for a vehicle comprising a data communications bus extending throughout the vehicle and carrying data and address information thereover, an audible alert indicator, and an alarm controller interfacing with the data communications bus extending throughout the vehicle and carrying data and address information thereover. The alarm controller may cause the audible alert indicator to generate an audible alarm indication responsive to a high security threat level. The pre-warn vehicle security device may include a housing, and a multi-

In re Patent Application of
FLICK
Serial No. 10/649,267
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/

stage sensor carried by the housing for sensing the high security threat level and communicating the sensed high security threat level to the alarm controller via the data communications bus extending throughout the vehicle and carrying data and address information thereover, and for sensing a low security threat level lower than the high security threat level. The pre-warn vehicle security device may also include an audible pre-warn indicator carried by the housing and connected to the multi-stage sensor for generating an audible pre-warn indication responsive to the sensed low security threat level. The audible pre-warn indication may have a lesser volume and a shorter duration than the audible alarm indication. Amended independent Claim 32 is a method counterpart to Claim 1.

Amended independent Claim 17 is also directed to a pre-warn vehicle security device for a vehicle similar to that of Claim 1. The vehicle further includes a vehicle light, and the alarm controller switches between armed and disarmed operational modes and causes the vehicle light to generate a confirmation indication based thereon. Moreover, the audible pre-warn indicator generates an audible confirmation indication responsive to the alarm controller switching between armed and disarmed operational modes.

Amended independent Claim 26 is also directed to a pre-warn vehicle security device for a vehicle similar to that of Claim 1. This pre-warn vehicle security device further includes a alarm circuit connected to the multi-stage sensor.

In re Patent Application of
FLICK
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III. The Amended Claims Are Patentable

A. The Rejections Over Hwang '407 In View of Zwern, Applicant's Admitted Prior Art, Nykerk, Voss or Leen et al., and Further In View of Hwang '697/Issa et al. Are Improper

The Examiner rejected former dependent Claims 2, 18, 28, and 33 over Hwang '407 in view of Zwern, Applicant's admitted prior art, Nykerk, Voss or Leen et al., and further in view of Hwang '697. The Examiner rejected former dependent Claims 3, 19, 29, and 34 over Hwang '407 in view of Zwern, Applicant's admitted prior art, Nykerk, Voss or Leen et al., and further in view of Issa et al. The subject matter of the above noted dependent claims has been incorporated into their respective base claim, i.e. amended independent Claims 1, 17, 26, and 32.

Hwang '407 discloses a security system with a pre-alarm function based upon a one-shot time. The Examiner correctly notes that Hwang '407 fails to disclose a housing and the multi-stage sensor and audible pre-warn indicator carried thereby. The Examiner looks to Zwern for these deficiencies.

The Examiner also correctly notes that Hwang '407 and Zwern further fail to disclose a data communications bus extending throughout the vehicle and carrying data and address information thereover, as recited by amended independent Claim 1, for example. Moreover, Hwang '407 and Zwern also fail to disclose the multi-stage sensor communicating a high security threat level to the alarm controller via the vehicle data communications bus, as recited in amended independent Claim 1, for example.

In re Patent Application of
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The Examiner looks to either Applicant's admitted prior art, Nykerk, Voss, or Leen et al. in an attempt to supply these critical deficiencies.

Zwern discloses an alarm system that includes a voice processing device and alarm controller situated separately in another housing. (Col. 13, lines 25-29 & Figures 1-2). Furthermore, the Zwern patent discloses a sensor and an alert indicator disposed away from the housings of both the alarm controller and the voice processing device.

Leen et al. discloses a controller area network (CAN) within a vehicle. Applicant's admitted prior art, Nykerk, Voss, each disclose data communications buses in vehicles. The Examiner also notes that none of the above prior art references discloses the pre-warn indication being shorter in duration than the alarm indication or the pre-warn indication having a lesser volume than the alarm indication, as now recited by the amended independent claims. The Examiner looks to Hwang '697 and Issa et al., respectively, for these deficiencies.

Applicant respectfully submits that the Examiner's proposed combination of eight pieces of prior art is improper. Applicant further submits that the Examiner is attempting to produce the claimed invention by assembling disjoint bits and pieces of the prior art. Indeed, similar to the Examiner's prior overturned rejection combining Hwang '407, Zwern, Suman, Nykerk, and Boreham et al., the assemblage of prior art proffered by the Examiner fails to have sufficient "rationale" for explaining why the person of ordinary skill in the art would selectively combine

In re Patent Application of
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Serial No. **10/649,267**
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the prior art as suggested.

Further, Applicant submits that the Examiner's stated motivation amounts to a conclusory statement of obviousness. The Supreme Court of the United States has deemed such conclusory statements of obviousness to be insufficient in stating a rationale to combine prior art references. See *KSR Int'l Co. v. Teleflex Inc.*, 127 S. Ct. 1727, 1741 (2007), quoting *In re Kahn*, 441 F.3d 977, 988 (Fed. Cir. 2006) ("Rejections on obviousness grounds cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness.") (Emphasis added).

Therefore, it is submitted that amended independent Claims 1, 17, 26, and 32 are patentable over the prior art. Their respective dependent claims, which recite yet further distinguishing features, are also patentable over the prior art and require no further discussion herein.

B. The Rejections Over Hwang '407 In View of Zwern, Nykerk, Boreham et al. and Further In View of Hwang '697/Issa et al.

The Examiner also rejected former dependent Claims 2, 18, 28, and 33 over Hwang '407 in view of Zwern, Nykerk, Boreham et al. and further in view of Hwang '697. The Examiner also rejected former dependent Claims 3, 19, 29, and 34 over Hwang '407 in view of Zwern, Nykerk, Boreham et al. and further in view of Issa et al. The subject matter of the above noted dependent claims has been incorporated into their respective base claim,

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i.e. amended independent Claims 1, 17, 26, and 32.

Applicant notes that this rejection was reversed by the Board of Patent Appeals and Interferences (Board) at page 15 of the Decision on Appeal of December 17, 2007. Indeed, the Examiner no longer applies the Suman et al. reference in this rejection. Nonetheless, Applicant submits that this combination is deficient for the same reasons espoused by the Board in the Decision on Appeal. Accordingly, Applicant requests that the Examiner withdraw this rejection.

Moreover, Applicant notes that the Examiner has curiously proffered rejections in paragraphs 2, 4, and 6 that were also addressed as improper in the Decision on Appeal.

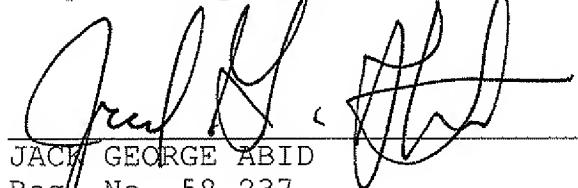
Accordingly, it is submitted that amended independent Claims 1, 17, 26, and 32 are patentable over the prior art. Their respective dependent claims, which recite yet further distinguishing features, are also patentable over the prior art and require no further discussion herein.

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III. Conclusions

In view of the amendments to the claims and the arguments presented above, it is submitted that all of the claims are patentable. Accordingly, a Notice of Allowance is respectfully requested in due course. Should any minor informalities need to be addressed, the Examiner is encouraged to contact the undersigned at the telephone number listed below.

Respectfully submitted,



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